

1. Methodology and Sources

a. Micro- & Family History: A Note on Method

The studies in this collective project are either architectural or urban history—political and macro-social in scale. So in addition to my particular interest and source focus, I thought it would be particularly useful to intersect (supplement) the bird’s-eye view of urban scale; the *longue duree* historical change; and the focus on official/governmental regulation—with a more detailed, micro-study of a single endowment and its association with a single individual’s progeny. It also neatly contrasts—but arguably, compliments—the reports addressing wider cultural norms, *mentalité*...

It is also hoped that emphasis on social practice would also work to address or restore the agency of historical actors in this interesting multi-faceted story. In other words, the following charts the progress of a family through key moments and acts of particular members; while I shall emphasize the constraints and conditions within which choice was exercised¹

This study of a single family’s history is not premised on the assumption of **typicality**. Indeed, I entirely reject such an approach, which is often based on a tacit premise of an AVERAGE family (or individual). This strikes me as a fiction that is hardly ever present in everyday life/practice, but also a misleading idea that smoothes out the interesting specificities of individual cases into a seductively neat hypothetical construct.

Instead, it is important not to lose sight of—indeed, to *highlight*—the very unique and specific characteristics of our case-study family (the descendents of one Nur ad-Din ‘Ali al-Qarafi, fl. late 10th/16th-c).

1. A Sufi patriarch—with personal links to a patron from the Ottoman military elite;
2. An Ottoman governor who is
 - a. Posted short-term to Egypt
 - b. As a eunuch moreover, likely had
 - c. No biological kin of his own around which to structure and devote such a charitable endowment;

Eunuchs had occupied a prominent role in the background of governors of Egypt during the first Ottoman century there: at the end of the 10th/16th century, Mustafa ‘Ali would note that no less than six of said governors had been eunuchs. ‘Ali provides an anecdotal explanation for this pattern: in as much as Egypt had been (up til then) the granary of the Empire, the eunuchs had tried to convince Sultan Selim II that since eunuchs were the ones traditionally in charge of food storehouses, the governor of Egypt ought to be selected from among them.² But perhaps more likely was the eunuch’s lineal discontinuity [??]: upon their death, their property would automatically revert to the sultan.³ (See also below on the development of Egypt as a source of imperial revenue for the Porte; on page 25 below).

¹ For example, how given the conditions of office devolution spelled out in Masih Pasha’s waqf, sons and grandsons of Nur ad-Din al-Qarafi were likely to chose careers in *imama* than their neighbors (who were not given preference in endowment jobs).

² Mustafa ‘Ali, p. 73 as in Behrens-Abouseif, *Egypt’s Adjustment*... 53.

³ Behrens-Abouseif, *Egypt’s Adjustment*... 53.

The tenure of Ottoman governors of Egypt was remarkably short—a single year, albeit often repeatedly renewed (such that some would serve for as long as 11 and 13 years).⁴ The short tenure-length—coupled with regular renewals—is common in pre-modern political administration, and was intended to test and reward loyalty. (The same remarkably short tenure is observed in other important posts, e.g. the judicial: for example, during the last year of Masih Pasha’s tenure (988 a.h.) no less than five officials assumed the important judicial post of qassam al-‘arab—i.e. for tenures ranging between one and four months each!⁵) But its usage for early Ottoman governors bespeaks the importance of the province and thence, the governor’s position.

particular investment in Egypt as a place of potential retirement in the future

In general, the close attention to Masih/al-Qarafiyya family then, is not based on some premise (or argument) that their careers or biographies are **representative or typical** of a larger social group (e.g. Ottoman governors or Sufi shaykhs, in general). Instead, my premise is that the environment in which both Masih Pasha and Nur ad-Din and his descendents operated—the charitable and institutional culture of *waqf* endowments; the court culture in which appointments were negotiated; the legal infrastructure in which individuals (and to a lesser extent, groups) sued one another in pursuit of rights, etc.—was not unique to the case at hand, but rather shared by other members of society (other members of their social groups). Thus, while the paths of Masih and al-Qarafiyya are specific (indeed, unique), the constraints within which they operated—within which social agency was exercised—were much wider and common to larger segments of the population. Our task then is not to generalize from the specificity (this is the underling logic of deriving a typical or ‘average’ case study), but rather to identify, as much as possible, the logic behind some of the decisions these social actors made and pursue the consequences of these particular acts on subsequent generations and the range of options available before them.

In order to better contextualize our Qarafiyya’s path and determine some of the elements they share with other families of the same milieu For example, by investigating the biographies of other families who resided in the Qarafa, we can discern common features which may then be properly read (understood) in relation to their residential lot as residents of this particular locale; conversely, such comparative micro-history also holds the potential for revealing certain features of the Qarafa as a residential/occupational space.

For this purpose, we have chosen another family with the same epithet, *al-Qarafi*, this time the descendents of the Maliki judge (and contemporary of shaykh Nur ad-Din ‘Ali), **Badr ad-Din Muhammad al-Qarafi**. While the two families share residential and occupational features (both were members of the religious establishment, and arguably, the religious elite; both beneficiaries of generous charitable endowments), the family of Badr ad-Din features some very interesting distinctions from that of his namesake, Nur ad-Din. The contrast between the two families then, allows us not only to properly contextualize the commonalities, but also realize the *range* of options, strategies, and forms that were available to families of ostensibly similar backgrounds and predicaments—and thus helps us further appreciate the role of agency.

b. Secondary Literature Review:

⁴ Behrens-Abouseif, *Egypt’s Adjustment...* 54.

⁵ As in ‘Isa, *Tarikh al-Qada’...* 119.

Barely anything on W-MP/W-NQ; Behrens-Abouseif does treat the founder's detailed waqfiyya and mines it for information regarding the charitable complex. However, her ultimate conclusion is rather disappointing:

“[Masih’s waqf] lacks any political or pragmatic inclination, rather seems only to follow the personal inclinations and pious beliefs of the founders.”⁶

There are several problems with this statement—but more importantly, these exemplify larger problematic historiographical assumptions.

First, there is the author's restrictive analysis and preoccupation with inclinations (intentions), which is now clearly outdated and limited; instead, I have proposed investigating consequences, and sought this by research in court records around the family of Nur ad-Din and their administration of the endowment.

Related here is the fuzzy category of "inclination" which seems to imply (insist) on conscious and/or explicitly stated; instead, by investigating different genres of sources, and using a more sophisticated theory of social action, we can realize how subjects could be aware *on a practical level* (i.e. pragmatic, but also, related to *practive*) the logic of certain acts without wanting to disclose this—indeed, in many cases (e.g. the economism of gift-giving, for example), subject expend great efforts to specifically hide such understanding and expectation...

A second limitation here is the restrictive understanding of the 'political'—i.e. understanding this strictly in terms of official government circles and directives/policies—rather than pursuing the more dynamic understanding of the word as the diffuse power relations/struggles between *all subjects*.

Finally and perhaps most significantly, is the uncritical use of the religious/secular dichotomy which is used here as if those fields were always historically distinct, discrete, and stable. In other words, there is an uncritical, presentist bias—an acceptance of the post-Enlightenment category of 'religion' (as a personal domain and one that is discrete and separate from the rest of the world), which is all the more insidious in being implicit (i.e. unstated and therefore unchallengeable). Indeed the attempt to naturalize this dichotomy—to represent it as essential and abstract, timeless—is one of the hallmarks of modernity which we can hardly presume for (project onto) Ottoman society and culture... Instead, I have sought a mode of inquiry that analyzes piety and patrimony as part of the same field—as they clearly were, judging by the statements and actions of our Ottoman subjects.

c. Primary Sources

An important feature of this particular research is its bias towards *documentary*—as opposed to narrative/literary sources. This point is not simply one of the constraints of our primary sources (i.e. one independent of the actual content of these sources); instead, it is very much related to—and can tell us much about—both (1) the very possibility of conducting this research and the nature of the *documentary* sources used (their particular logic and thence, silences); and (2) the kind of picture we can derive from the sources (the information contained therein).

First—a word about sources... The **documentation that makes this investigation at all possible** first appears in high enough density in the later 16th century (with stable Ottoman rule in Egypt). It is remarkable and unique (for Egypt) in that, unlike earlier periods, I am able trace such **non-elite** families [not in chronicles]. The reasons for the emergence of this kind of archival base

⁶ Behrens-Abouseif, *Egypt's Adjustment to Ottoman Rule...*

are numerous/complex, but they certainly include a new interest on the part of the (Ottoman) state to intervene in, and regulate, legal matters; the establishment and control of archives was central to both goals.⁷

Despite various attempts to link Nur ad-Din Abu'l-Hasan 'Ali al-Qarafi al-Ansari to individuals who appear in contemporaneous narrative sources—e.g. the willful attribution to a namesake who likely died before the waqfiyya was drafted; who lacks the *Ansari* epithet and has a much fuller ancestral lineage—it is our opinion that such attempts are unconvincing. They also evidence the scholarly preference for—and uncritical faith in—narrative sources; put simply, the investment in locating an-Nur 'Ali evidences some scholars' faith in the comprehensive scope of narrative sources (at least when it comes to members of the religious establishment, e.g. 'ulamā' and Sufis); thence, the

But rather than merely simple mistakes of biographical attribution⁸, these near consistent errors are symptomatic of a wider historiographical problem: largely uncritical and positivist reading of biographical dictionaries; accordingly, scholars often use these dictionaries as compendia of information without paying sufficient attention to the logic of these sources—or the complex social dynamics behind pre-modern naming praxis. Thus, we will begin with a brief exposition of a couple of examples of Qarafiyya families who *are* documented in biographical dictionaries.

Instead, as noted above, we shall we relying primarily on documentary sources. These documentary sources also present a refreshing substitute to narrative sources, allowing an alternative understanding of the Qarafa space—both physical and spiritual. They present a different *deposit* of social practice and thus allow us to interrogate specific dimensions of social life and action—ones that are otherwise invisible to narrative accounts. This is esp. the case re **Family Life** and **legal culture** as they emerge through strategies of property devolution: how individuals & families used legal instruments (like *waqf*) to ensure a favorable transmission of patrimony and forget alliance—patrimony & alliance, both material and symbolic. The result is an investigation on a diff. scale—a micro-

⁷ This is clearly borne out in several explicit biographical anecdotes by al-Ghazzi, a contemporary of the Ottoman conquest and biographer of 10th/16th-century notables of Egypt-Syria. Two biographies suffice here: in both, the subjects astutely (1) note the change in the administration of marriage (and attitude towards registering marriage contracts) from the Mamluk to the Ottoman period, and (2) remarkably, explain to others that the reason behind the state's new and serious investment in record-keeping and administration is related to the collection of marriage taxes (levied by judges upon the contraction of a marriage in court—all features that the Ottomans insist upon—and severely prosecute infractions of) *and* suggest that this part of a larger difference in government practices. See *Kawakib as-Sa'ira* 1/20 and 3/198...

Both subjects (and al-Ghazzi) were keenly aware of the emerging trend of Ottoman centralization, a process in which the state not only levied (required) higher revenues, but also sought tighter control over revenue flows and regulation of authority.

The *mahakim shar'iyya* were the Ottoman state's only legal institution regarding matters of personal status and property (in addition to functioning as a central Office of Public Records, like modern counterpart *as-Sijill al-Madani*). It is important to appreciate that the centralization of Ottoman rule and its consolidation in provinces like Egypt depended on carefully monitoring, regulating and controlling *private* as well as public acts, especially—in the Ottoman case—when it came to law.

⁸ Part of the problem, of course, derives from the nature of a pre-modern society without stable family names, with fluid epithets of geography (residence and origin), etc. On this feature of onomastics in medieval Muslim society, see below Section 4.a (on page 16 below).

history of Qarafi family—but to make most sense of this, it has to be alternated with larger macro-patterns, the result a kind of **nested scales**.⁹

d. This Report/Problematique

It is my aim here to explore the nature of the early-modern **family**—specifically, that of Nur ad-Din ‘Ali al-Ansari al-Qarafi and explore different *practical*—in both senses of the word—aspects of this social form. By family I understand “a set of understandings governing relations between kin.”¹⁰

The emphasis on practice is intended to explore and recover the role of local agency in the social construction of contemporary notions of kinship, property and sexual difference. Local practice, in other words, at once embodies and instantiates such larger understandings, but also—and cumulatively, over time—contributes to their development and change.

Our problematique is striking from even the most cursory reading of Masih’s *waqfiyya*: to investigate the apparent continuity in both Nur ad-Din al-Qarafi’s family and Masih Pasha’s waqf. While both undoubtedly went through periods of stasis and decline, their remarkable resilience over the course of several centuries (late 10th/16th until arguably early 14th/20th) invites questions about the manner in which this was achieved and the ways in which the particular history of family and waqf alike were similar to those of contemporary parallels.

⁹ It is not that documentary sources present an unmediated view onto social reality—not at all: like other sources, they have a specific logic, i.e. particular silences and absences. (But again, neither do I argue that they are simply textual representations of reality of the same order as narrative sources.) Instead, we must read them as tools of a different discursive language that construes reality in a particular manner, and authorizes particular narratives in a certain way. But they always contain unique features—imperfections—that allow the careful reader a glimpse of social action: through the layers of legal formulae and conventions that seek to tame the messy social world into legal order, we can glean something of historical contingency and human agency.

¹⁰ Beshara Doumani, “Adjudicating Family” in B. Doumani, ed. *Family History in the Middle East...* p. **.

2. Background Story

a. Masih Pasha: Background & Biography

Masih is described in contemporary sources as “a white Ottoman eunuch.” Before assignment as Ottoman governor, he had served (illustriously) as the *khaẓindar* (Treasurer) under Sultan Selim II (r. 974/1566 – 982/1574). The latter’s successor, Sultan Murad III (r. 982/1574 – 1003/1594), seconded Masih as Ottoman governor (Pasha) of Egypt, his tenure **beginning in 1st Shawwal 982 A.H. (1574 A.D.) and lasting until 15th Jumada I 988 A.H. (1580 A.D., i.e. he ruled Egypt for a total of 5 years and 7 ½ months).**

His reign is noted—again by contemporaries—as a radical one, in both positive and negative dimensions. Unlike other Ottoman Pashas of early-modern Egypt, he was famous for his incorruptible justice but equally infamous for the extreme, bloody measures that he used to ostensibly affect such equity.¹¹ Thus his authority, famed for unusual security and peace, became synonymous with gory public punishments and the unusual (and by contemporary standards, highly atypical) refusal to participate in any economy of intercession or pardon (be it through personal mediation or the prevalent ‘ransom’ pardon).¹² In particular he was noted for his ruthless pursuit and extreme punishment of highway robbery, theft, and “political insubordination.”¹³

¹¹ Peace and stability under Masih are explicitly contrasted with his predecessor governor, Husayn Pasha (r. 981-2/1573-4) whose reign was marked by instability [al-Bakri as in Haddad 97].

¹² This latter idiosyncrasy has been understood—by medieval and modern commentators—as part of his justice: an uncompromising governance that was intent on systematically punishing offenders thence achieving his reputation of equity. Thus ibn ‘Abd al-Ghani describes his “political acumen [*bakīman ‘alīman bi-ahwāl as-siyāsa*]” while both al-Bakri and Mar‘ī ibn Yusuf link his refusal to accept bribery with the peace and prosperity of Egypt during his tenure; al-Ishaqī directly attributes the drop in crimes to the systematic and particularly gruesome public punishments he meted out to offenders, describing the locations and execution devices he erected around Cairo, e.g. in (Maydan) ar-Rumayla, Bulaq, and Misr al-Qadima. (Uniquely, al-Ishaqī also singles out the effects of such punishments on government officials—e.g. *bukkam, kashshafīn, wulat*—who began to respect official regulations and morals alike, and almost halted their unjust depredations of the subjects).

All quotations from these near-contemporary Ottoman chroniclers—including

- al-Bakri, d. 1087/1676 [*Minah ar-Rahmaniyya*, p. 119];
- al-Ishaqī *Akhbar al-Uwal*, pp. 152-3;
- ibn ‘Abd al-Ghani, *Andah al-isharat*, p. 119;
- Mar‘ī ibn Yusuf, *Nuzhat an-Nazīrin*, p. 178;
- ash-Sharqawi, *Tuhfat an-Nazīrin fi-man waliya Misr min al-wulat wa’s-salatīn*, p. 152;
- ‘Ali Pasha Mubarak, *al-Khitat at-Tanfiqiyya* 5: 263-4;

appear in Muhammad Hamza Isma‘il al-Haddad, *Mamsu‘at al-Imara al-Islamiyya fi Misr...* (Cairo: Zahra’ ash-Sharq, 19**), s.v. “5. Jami‘ Masih Pasha” pp. 96-98.

¹³ But we must also note that whatever “cruelty” or excessive violence may have been reported by observers—or seems natural for our modern sensibilities today—was by no means unique to Masih Pasha or his tenure. A near-contemporary, Masih’s predecessor governor Mahmud Pasha (r. 973-5/1566-7) was described as “spilling much blood such that [it was (commonly) known] that whenever the *subashi* would arrive before him in the diwan, and present offenders to him, [Mahmud] would gesture with his fan [*mirwaha*] indicating (the punishment of) crucifixion, halving (at the waist), beheading, and other kinds of torture and

It is likely that Masih's program had an irreducible dimension of moral regulation: among his innovations, he is reputed to have changed the 'header' used by scribes and notaries at the top of official decrees and correspondence to an explicitly pious formula that urged Muslims to respect God and his Law in their social behaviour.¹⁴ Whether this was a personal impulse or one that owed to his association with shaykh Nur ad-Din al-Qarafi remains unknown, but in either case, it appears that Masih's character and motivations cannot ever be reduced to strictly governmental or political agenda; like many of contemporaries, the political, for Masih Pasha, was inextricably bound to moral authority and the just order of society.¹⁵

Both the header decree and the above-mentioned example about governors issuing judicial verdicts in the case of political offences (including, but not limited to, crimes) reveals the blurry lines between the prerogatives of judicial versus political authorities in the early Ottoman period.¹⁶ While such conflicts clearly attracted the attention of observers as noteworthy infractions or oddities, we should, I think, reserve categorizing them as aberrations of an otherwise stable norm or order. Instead, these (and many similar examples) point to a gradual—if growing—acculturation: as legal authority became increasingly politicized, political authority was *concomitantly* legalized as each authority increasingly interfered with (and thus be colored by) the other.¹⁷

But another dimension appears to have been purely spiritual and devotional: according to al-Ishaqi, Masih Pasha wanted to be buried there in his complex—indeed so close did he wish to lie near his revered Sufi shaykh (Nur ad-Din) that he had two cenotaphs build, explicitly for this purpose, one for himself, the other adjacent to it, for shaykh Nur ad-Din.

The association of *baraka* by spatial proximity is well attested in the sources and Masih's action—whether al-Ishaqi is correct in its attribution to the governor's aim cannot be ascertained but it certainly documents the prevailing cultural assumption that proximity in burial was (1) not accidental; because (2) one derived *baraka*—after one's death, almost by osmosis—from lying near to a saint's (holy man's) grave.¹⁸

execution, each with a special command such that he didn't (even need to) speak a word" → Al-Bakri, *an-Nuzḥa az-Zakiyya* (MS) as quoted in 'Isa, *Tarikh al-Qada'*... 138-9.

¹⁴ Al-Bakri, ibn Yusuf, and 'Ali Mubarak—as quoted in Haddad 98.

¹⁵ In other words, it seems unhelpful to make such an anachronistic distinction between the world of politics and that of piety/religion. For Masih and his (pre-modern) observers, the two were absolutely intertwined as to be mutually constitutive.

But it is also worth pointing that upon closer inspection, the abovementioned header turns out to have been shared by another Ottoman governor, Selim Pasha al-Khadim—another eunuch governor who also decreed that *marasim* should open with the same pious header: “*Inama'l-mu'minin ukhwa faslibu bayn akhamaykum wa-ttuqu'llah la 'allakum tuflihun; ijtabidu fi-din Allah wa-'malu bi-shari'at Allah*” (cited by al-Bakri, *al-Minab ar-Rahmaniyya*... (MS) as in 'Isa, *Tarikh al-Qada'*... 139).

¹⁶ In some cases, the Pashas (governors) would sit alongside a *qadi* but would issue the legal verdict himself—thus relegating the judge to role of investigator whilst reserving the privilege of judgement and decree to themselves (the particular example is cited by al-Ishaqi, as quoted in 'Isa, *Tarikh al-Qada'*... 138).

¹⁷ There are other familiar anecdotes and expressions that suggest that a division of labour obtained in legal judgment, whereby *qadis* oversaw matters of “divorce, marriage, and inheritance” [i.e. civil or family law] while governors—or Ottoman political authorities—presided over “blood [i.e. criminal offences] and kharaj [i.e. fiscal administration]” (the quotation from a paradigmatic enounced between a Pasha and a *qadi 'askar* in the early Ottoman period, as reported by al-Ansari (MS) as in 'Isa, *Tarikh al-Qada'*... 139).

¹⁸ CITE...

For all the uncertainty surrounding **Masih's relationship with shaykh Nur ad-Din**, the governor's reverence for the Sufi shaykh, Nur ad-Din al-Qarafi, suggests the former had pious and spiritual inclinations. This was not an anomalous feature of early-Ottoman governors—all the more striking given the general paucity of information about their general character. Thus, Dawud Pasha's religious library was explicitly praised by contemporaries; Ja'far Pasha (r. 1028-9/1619-20) was identified as a *'alim* with special interest in *tafsir*; and 'Ali Pasha al-Khadim (966-7/1559-60), like Masih a eunuch, was known for his piety, modesty and special reverence of Shaykh Sha'rani.¹⁹

If the relationship between Masih and Nur ad-Din was not uncommon in structural terms (the devotion of a senior member of the military establishment to a local spiritual leader), the **specific manner by which the two historical persons** came to develop this bond is a different matter. Again, while we have no direct evidence, there is a suggestive detail that appears in Masih's waqfiyya, as the endower lists the numerous income-generating agricultural properties that were intended to finance Masih's complex. When tracing these *mawqifat* I found an-Nur ad-Din al-Qarafi was also mentioned as the beneficiary of a waqf near Masih's *ruzaq* agricultural land. —w' incidentally = over 2,000 faddans in 10 wilayat, Wajh Bahari + Qibli

Compared to the late-Mamluk/early-Ottoman eras, the later-16th/17th century is marked by a general paucity of narrative sources so we know little else about Masih's reign save the generalizations of (later/distant) viewers. Yet one single document adds remarkable detail to our picture of Masih Pasha: a long, meticulous waqfiyya in which he established—and generously detailed the specifics of—a charitable endowment in southern Cairo. The endowment consisted of a large complex consisting of numerous (mostly) charitable institutions—all endowed, and subsequently named after, a Sufi/mystic he revered: one shaykh Nur ad-Din Abu'l-Hasan 'Ali al-Qarafi al-Ansari.

Most sources confirm that our Qarafi shaykh was a Sufi and the waqfiyya explicitly identifies him as belonging to the Shafi'i *madhhab* but other than this, little else is known about him. It is clear that Masih Pasha personally revered shaykh Nur ad-Din and considered him a spiritual authority from which to gain beneficence through patronage—and even personal proximity. This pairing pattern—a military/political authority who highly reverts and maintains close contact/link to a spiritual/Sufi master—is a familiar one from the period, and much earlier in the Mamluk period too.²⁰ In our case, respect and veneration was inscribed in Masih

¹⁹ Behrens-Abouseif, *Egypt's Adjustment...* 54.

²⁰ An early—possibly iconic—example of such a close tie was that of Baybars I and Shaykh Khidr at the beginning of the Mamluk period but that are other numerous examples. A closer late-Mamluk parallel is perhaps the mosque-madrassa built by Amir Azdamur for a similarly revered shaykh (mentioned in Behrens-Abouseif “Takiyyat...” 45). Indeed there are numerous other examples of Sufi shaykhs especially (personally) venerated [*i'qtida*] by Mamluk elites *within al-Qarafa*: to cite one example, one 'Abdullah al-Qarafi (as-Sa'udi, known as al-USayfir) was described by the contemporary biographer, as-Sakhawi, as a Sufi shaykh who was popular and venerated by many people, especially the sultan. He died in 852 A.H.; he was buried in the Qarafa after a well-attended funerary prayer was conducted for him in Jami' Mahmud (in al-Qarafa; *Daw'* 5: 76 [#286]). In the early Ottoman period, other Sufi shaykhs became important to the ruling Ottoman elite and the latter often endowed (Sufi) institutions for them (in many instances, in their names): for example Ibrahim al-Kulshani, whose takiyya represent the first religious foundation after the Ottoman conquest (built 1519-24 A.D.) built his hospice near Bab Zuwayla; he subsequently became popular with different members of the

Pasha's endowment-cum-will stipulation, whereby he provides—during their lifetimes—for the construction of two adjacent cenotaphs in his complex: one for shaykh Nur ad-Din, the second for Masih himself, so that they may lie together close in death (and thus, probably, so that he may derive *baraka*/beneficence not from proximity to the shaykh, but likely also from the prayers of his devotees who would likely bless the area with their devotional visits and prayers in the future).

Much ink has been shed on the precise identity of shaykh Nur ad-Din al-Qarafi—and much confusion stirred.²¹ The truth of the matter is that we know next to nothing about this man save references to him in the long waqfiyya of Masih Pasha—and numerous other references to his progeny in documentary sources. But the central importance he occupied in Masih Pasha's endowment (and imagination)—as well as the vast endowment and its centrality in the growing Qarafa area, has led historians to (1) make the unwarranted assumption that his importance must be reflected in contemporary historiographical attention; and thus (2) desperately try and link him to other characters (mostly part-namesakes) who *do* in fact appear in contemporary *narrative* sources.²² Thus, for example, Doris Behrens-Abouseif has to first assert (incorrectly) that our Nur ad-Din corresponds to an entry in al-Ghazzi's contemporary biographical dictionary of 10th/16th-century notables, *al-Kawakib as-Sa'ira* +++...

Likewise, *** in his *Atlas al-'imara al-qibtiyya wa'l-islamiyya*²³ would similarly attempt to solve the problem by quating shaykh Nur ad-Din with a better-documented contemporary claiming that the former “was [also] known as al-Badr [i.e. Badr ad-Din] al-Qarafi”—which is simply untrue and not documented or cited at all.²⁴ The same mistake—attribution to “Badr ad-Din [sic] al-Qarafi”—appears in other secondary studies.²⁵

Ottoman army (soldiers and higher-ranking officers alike); in this case, however, al-Kulshani's popularity—as well as his earlier mobility and activity in Aq Qoyunlu and Safavid territories—earned him the suspicion of Governor Ibrahim Pasha for political insubordination (espionage?) and he was sent for review in Istanbul—both political and theological (his treatises were reviewed for any signs of heresy).

²¹ It is noteworthy that throughout the waqfiyya of Masih Pasha, where shaykh Nur ad-Din is cited dozens of times, he is always referred to in strictly personal names—i.e. his at most, his *ism-laqab-kunya* and the epithets “al-Qarafi” and “al-Ansari”—i.e. without once referencing his father (or any other ancestor).

²² This last point is crucial, namely, historians uncritical bias to—and implicit reliance on—*narrative* sources. The basic premise underlying the abovementioned errors is that narrative sources are complete and comprehensive in their representation, at least of elites—that no one of shaykh Nur ad-Din al-Qarafi's stature could escape the attention of contemporary historians/biographers.

²³ S.v. “Masjid Nur ad-Din (Masih Pasha al-Wali),” pp. 285-300; attribution to Badr ad-Din on p. 286.

²⁴ The assertion is even more problematic given the proximity of the waqf to that of another Badr ad-Din al-Qarafi—also a Sufi, who was evidently close to a member of the ruling military aristocracy, albeit during the *Mamluk* period (i.e. two centuries earlier). The late-10th/16th-century Badr ad-Din al-Qarafi was a Maliki judge to whom we will dedicate a short investigation and family reconstruction in Part III below.

²⁵ E.g. Behrens-Abouseif, “Takiyyat...” 45.

3. Masih's Endowed Complex

a. The location of Masih's Complex

- i. From Behrens-Abouseif's useful plot of Ottoman-era foundations in Cairo, it is clear that the vogue the Qarafa had enjoyed during the early and then late Mamluk periods had clearly passed. Masih's endowment was one of only three large Ottoman endowments in the Southern Cemetery (the other two scattered at different ends of the Qarafa Sughra)...

b. The (suspicious?) dating of the waqfiyya

- i. The waqfiyya is dated 28th Jumada I 988—the very same month Masih's tenure as Ottoman governor of Egypt ended. The dating is so late in the month that only if we assume Masih was removed from office in one of the last *two days* does it make sense that the waqf was founded—as its text does indeed stipulate—during his tenure in office.²⁶
- ii. The practice of a post-dated waqfiyya—a document drafted after the initial foundation, either of the building or the actual endowment—is not unprecedented. In the case of the Takiyya of Ibrahim al-Kulshani, the building was completed in 941 A.H.—*seventeen* years before the waqf document was drafted (948/1541). Here, the founder himself (shaykh Ibrahim) had already died a full eight years prior (i.e. in 940 A.H.) and the legal transaction was completed by his son, ash-Shihab Ahmad, who certified—without producing or even referencing any prior documentation—that his father had established the waqf during his lifetime and when he was in full possession of his health, sanity, etc.²⁷
 1. And does this have anything to do—does it explain? is it explained by?—the fact that various architectural/institutional elements of the complex are **still unfinished** at the time of drafting the waqfiyya (e.g. the minaret, the well and basin for animals—both abandoned it seems)... Was there, in other words, something that prompted the swift and quick drafting of the waqfiyya? Could it have been the dismissal from governorship?
- iii. Having said this, Behrens Bouseif notes that Ottoman governors of Egypt often founded endowments at the every end of their tenure (in some cases, even after their term in office)—what she terms “a time of settling accounts.”²⁸

c. Masih's Choices: Egypt, Functions/Institutions

Masih as eunuch ⇔ relation to Egypt—possible place of retirement (this becomes a practical rule in later decades, but can we assume Masih expected, or even counted on, this?)

²⁶ In that case, all later accounts listing his tenure at 7-1/2 years (i.e. which assign his dismissal from the governorship to 15th of Jumada I) would also be incorrect.

²⁷ See Behrens-Abouseif, “Takiyyat...” 45.

²⁸ Behrens Abouseif, *Egypt's Adjustment to Ottoman Rule...* 159f.

While this is not overtly stated or suggested by any of the evidence, there is something suggestive about an *expatriate* Ottoman official, a *eunuch* moreover, choosing to endow a complex that catered mostly for those who were similarly bereft of vertical family connections: Sufis (*fugara*) and orphans. But the also act represented Masih's construction not only of a mosque, *turba*, and slew of social services but also his *production* of an adopted social and spiritual lineage, in a sense, an act of intransigence against his biological extinction.²⁹ Despite his own background and that of the primary beneficiaries of the endowment, Masih's *waqf* worked to support the Qarafiyya line—indeed, ultimately, to the point of providing Masih's own name with continuity.

While the link between military leaders/political authorities and Sufi shaykhs was not uncommon (and indeed, enjoyed a long history since early Mamluk times), it is worth noting that while it had been typical in the 14th century for the Sufi *khanqah* to be established (financed) by a Mamluk amir/sultan, by the late-Mamluk/early-Ottoman period, Sufi hospices were increasingly founded by non-military elites—in some cases, by the Sufi shaykhs themselves (albeit no doubt from contributions by their devotees).

A similar evolution in the function and institutional scope of the *khanqah* appears over the same period (ca. 14th through 16th centuries): over time, the *khanqah* became less isolated (its members less sheltered from urban daily life and devoted to spiritual exercises). Instead later hospices regularly featured a Friday mosque (which eventually meant more traffic with lay Muslims during prayers); systematic instruction in non-mystical scholarship (e.g. law). By the Ottoman 16th century, many Sufi shaykhs had large *personal* followings and came to practically dominate public religious life; a concomittant development was the reduction in size of *khanqahs* (even the term begins to disappear in favour of *takkiye*, *zawiya* and *ribat*).³⁰

Masih's endowment consistently refers to the central Sufi institution as a *takiiyye*, which is consistent with contemporary usage: Behrens-Abouseif notes the prevalence fo the term in endowment deeds even when function/form suggest *zawiya*, but she also notes the term's [*takiiyye*] specific association with institutions founded by the Ottoman ruling class, e.g. Takiyya Sulaymaniyya (950/1543) and that of Iskandar Pasha (965/1557)—both Ottoman governors of Egypt during the mid-10th/16th century.³¹ The contemporary biographer, al-Ghazzi, provides another close parallel example: in his biography of Shaykh Muhammad ibn Maghush (d. 947/8 A.H.), he notes that the Ottoman governor Dawud Pasha, built [‘ammar] an endowment for him near Imam ash-Shafi‘i in the Qarafa.³²

²⁹ One cannot help but note here Masih's special interest in **orphan** (education)—nor the neat detail in his *waqfiyya* whereby there classroom is designed not only with grooves for their books and notebooks, but also their classrooms: lined with his name above them in the molding—a mnemonic groove inscribing this kin (*elective affinities*).

³⁰ Like the *takiiyye* of Ibrahim al-Kulshani (*waqf* dated 948/1541, built 931/1524; see also note above), the *Takiiyye* of Hasan Rumi (1522-3) was also build by its eponymous shaykh, included residential quarters for Sufis as well as a tomb for the founder (see Behrens-Abouseif, “*Takiiyyat...*” 43-4).

³¹ Behrens-Abouseif, “*Takiiyyat...*” 44.

³² Kawakib as-Sa'ira (Beirut, 1418/1997), vol. 2, p. 17 (entry #672).

d. Waqf's Finances: The income-generating agricultural *manqufat*

The funds for the maintenance and expenditure of the endowment were decided by Masih and carefully spelled out in his *waqfiyya*. They came from an impressive array of agricultural (i.e. state) property that was scattered in no less than 10 provinces (of Egypt's total 24) in both Upper and Lower Egypt (Qibli and Bahari). The property came to over 2,000 *feddans*... We will return to this point later in our analysis, but here suffice it to note the *strong* weighting of the income-generating property to the agricultural sector (as opposed to other endowments, where the endowed assets included more urban property, e.g. rental income from urban apartment complexes).³³

Income was vast—and varied: Masih pasha endowed the complex with mostly agricultural lands (*ruzaq ibbasiyya*) scattered all over Egypt. The project also proved resilience, surviving centuries after construction; thus by the later 13th/19th century, 'Ali Mubarak would cite its income as a handsome 2,200 qurush per annum—perhaps more modest than its heyday in the 16th-17th centuries, but still impressive given the structural (systemic) *long-term* problems of administration and fiscal management of awqaf (see below Section 4.j)

e. Institutional Functions within Masih's Complex

Masih's complex is impressive and remarkable in scale, especially compared to the neighboring structures (in our case study). In its original form it comprised numerous institutions:

1. A *sabil* providing fresh water
2. A *kbulwa*
3. A *sabrij* (cistern) for storing the water (whence supply of *sabil*)
4. A Sufi *ribat* (alt. referred to as a *takijye*—probably a borrowing from the Turkish; it is clear from context however, that both terms refer to the same structure that is meant to house 30 fuqara', or Sufis, who receive decent monthly stipends from the endowment's budget) for 100 *fuqara'*
5. A *mibrab* (for imam to lead prayers as usual)
6. A minaret—as yet unfinished at the time of the *waqfiyya**
7. A *mathara* for performing ablutions
8. Future (to be completed): well to dig water + hawd [drinking basin] for animals;
9. A *maktab* for orphans (primary [Qur'anic] education—teacher to be appointed in future date);
10. A *Ribat* and a (residential) *rivaq*—specified as residence for ash-Shihab Ahmad b. an-Nur 'Ali—as *nazir* and *imam* of abovementioned *ribat* for

³³ See Section 7 below on possible reasons behind the extinction of the endowment (and its virtual disappearance from the legal record).

his lifetime and then after him, for whomever becomes *imam* from his line and progeny OR becomes *nazir* and *shaykh*...

11. ALSO funds for provision of poor sick women [*an-niswa al-marda*]

12. A large apartment for administrator [CHK location]

13. Shops under the rab'

In its multiple elements—and indeed the character of these elements—Masih's endowed complex is familiar from other Sufi foundations of early-Ottoman Egypt: Takiyya of al-Kulshani, for example, similarly comprised an adjoining *rab'*; eleven shops

f. Salaries (as in *waqfiyya*)

Masih Pasha's *waqfiyya* is detailed blueprint for the institutional and administrative structure of the endowment. Over literally hundreds of pages, the document spells out the details of the personnel to be employed, their official responsibilities, and perhaps most crucial to our study, the lines and logic of the devolution of incumbents. Most meaningful (senior) positions with handsome salaries are specifically identified with Nur ad-Din's sons and progeny. The detailed breakdown of the monthly expenditure of the waqf complex appears as the following:

Imam	30n/mo	
Nazir/mutawalli/mutassarif	[i.e. 320n/mo]	10 ⁻² /3 n. per day
Miqati	45n/mo	
30 sufis	900n/mo	
40 reciters	1,189n/mo	
15 Q-reciters	225n/mo [i.e. =15n/person/mo]	
15 awrad-reciters	225n/mo [i.e. =15n/p/mo]	
6 huffaz every Fri @ J-Suyuti	150n/mo [i.e.=25/p/mo]	
distributes booklets	30n/mo	
distributor ajza' mornings	30n/mo	
orphans mu'addib	60n/mo	
'arif lil-aytam (helps mu'allim)	30n/mo	
50 orphans stipends	250n/mo [i.e. 5n/orphan/mo]	
mubashir al-waqf	60n/mo	
shahid bil-waqf	45n/mo	
katib ghayba	60n/mo	
shadd	60 n/mo	
water-carrier	60n/mo	

farrash/waqqad		45n/mo
cleaner of mathara		15n/mo
filler of hanafiyya		30n/mo
sweeper		15n/mo
rashsh		30n/mo
MEAT	40n/wk =	160n/mo
OIL to burn		30n/mo

i. Contemporary Comparanda

In order to make sense of these figures—including their relative weighting—is useful to compare these figures to a near-contemporary waqf of similar proportions and function. Since the primary function in Masih Pasha’s waqf is the Sufi lodge (*ribat* or *tekiyye*), the closest comparable and published example was the Takiyya of Ibrahim al-Kulshani, whose endowment deed was drafted about 40 years before that of Masih Pasha. The attached table reproduces the figures from the above table (albeit converted to single worker monthly salaries for consistency) in both waqfs.

Ibrahim al-Kulshani’s waqf is not identical to that of Masih Pasha but it is clear that there too, a primary aim of the endower was to provide (handsomely) for the eponym’s family after his death. Indeed given this explicit aim of the endower, one may locate Kulshani’s waqf closer on the spectrum to *ahli* than *khayri* awqaf.³⁴

The comparison reveals

1. It is clear that a significant inflationary development had affected the practical worth (purchasing power) of the NISF between the 1540s and 1580 (the dates of al-Kulshani and Masih’s awqaf, respectively). This is not surprising given that the nisf was a unit of *silver* currency and that silver had witnessed a dramatic devaluation over the course of the 16th and early 17th centuries—in part owing to the discovery of destabilizingly large amounts of the metal in the New World. In other words, while the salaries of many

³⁴ Charitable endowments fall into two main kinds (a legal distinction): *ahli* (family) endowments where the recipients of the revenue from the alienated property are members of a family who are entitled to the incomes *qua* family members. In the second type, the *khayri* variety, the endowment is technically made in favor of a pious institution or function; here recipients of the revenue streams are entitled to incomes by virtue of fulfilling particular jobs/offices related to the function of the waqf. Early on, however, social practice came to increasingly blur the distinction between the two varieties and by the Mamluk period, the dichotomy was strictly academic: endowers increasingly chose the *khayri* model but also appointed family members as supervisors, administrators, etc. of the model assigning them particularly handsome salaries from the *mawquf* property’s income stream. By our period, it makes more sense to think about the distinctions are two poles of a spectrum with different awqaf falling somewhere in the middle between the two models depending on the degree to which family members—of all kinds—were tied to specific jobs in the endower’s foundation document, including the terms on which the offices devolved over different generations.

As I will argue later, Masih’s endowment was strictly speaking, a pious enterprise but the tenacity and inclusive phrasing of the assignment of jobs to Nur ad-Din’s descendents is particularly worthy of note. +++

2. In order to contextualize some of these figures (although we should also bear in mind the steep inflationary pressures of the 16th-17th century, especially when it came to silver currency), it worth noting that in the 10th/16th century, the fee for issuing a *hujja* (legal writ) was set at 12 nisfs³⁵ and rose in the 17th century to reach 15 nisfs per *hujja*.³⁶
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³⁵ Mahkamat Qanatir as-Siba' Sijil 122 / q 1646 / page 479.

³⁶ Mahkamat Bulaq Sijil 32 / q 1771 / page 565. 'Isa cites another example for the 18th century at the same rate of 15 nisfs/*hujja* (*Tarikh al-Qada'*... 265 and n. 80, p. 292)

4. Study: Observations on Patterns in Family & Waqf History

a. Onomastic Patterns

i. How Names Behave

No stable family names: A Qarafiyya example from the 8th-9th/14th-15th centuries (al-Kurani):

Figure 1 and notes → *This section need to be rewritten but all the important points are on Figure 1, Notes.*

Transient Epithets disappeared after a few generations when the work they performed—e.g. to proclaim origin, announce recent settlement, etc.—was done³⁷

ii. Choice and Practice I: Internal Emulative Patterns

Even the Kunya-Laqaab-Ism were seldom unique (often patterned to follow those of an esteemed ancestor, usually grandfather)

For example, only three years after Masih established his waqf, another Nur ad-Din Abu'l-Hasan Ali son of Shihab ad-Din Abu'l-'Abbas Ahmad—i.e. the triple name combination for both a father *and* son—appear in the court records (this time in Alexandria)—here also claiming a salary from a waqf named after al-Ansari (i.e. the same epithet/surname as our Qarafiyya family).³⁸

There were also Emulative Choices that looked Outside the Family... Here naming a child serves to create (almost family-like) bonds: performing alliance/esteem through emulative naming (you name a son after teacher or Sufi master)...

iii. Choice in Self-Representation (in Legal Documents; at Court)

While names and naming appear today a matter of parents' choice/decision carried out once and for all at the child's birth, matters were very different in premodern societies. First, surnames were not fixed (until modern bureaucracies discovered their utility for managing and surveillance of unprecedented large populations); and second, persons were known by any combination of three *personal* appellations (ism – laqaab – kunya). In other words, while a person had a given ** [reservoir] of names, s/he could *choose* to deploy (some/any number of) them in different ways.³⁹

Thus while we lament the ways in which pre-modern societies transacted names (their variation, unpredictable, inconsistency, etc.) we must also remember that such attributes also represented **flexibility and options** to contemporaries; they allowed individuals to negotiate and **

³⁷ Similar patterns are observed in epithets of families who settled in Cairo (or Egypt) from North Africa: initially, they were consistently referred to as *waridin* [(recent) newcomers] even in *mabkama* registers and other legal documents (see 'Abd al-Mu'ti, *al-'A'ila wa'th-tharwa...* 22).

³⁸ Sijil Mubaya'at Alexandria (971-992 A.H.), Doc. Code:1029-001154-0333 (document dated 18/12/991 A.H.). In this case, however, the last name was al-Husayni.

³⁹ There are examples, again from the Maghribi and Andalusi families who settled in Egypt in the Ottoman period: occasionally, members of these families appeared before judges and deliberately (purposefully) deployed particular epithets while suppressing others they were also known by—depending on which was more advantageous for them in that particular context. For examples, see 'Abd al-Mu'ti, *al-'A'ila wa'th-tharwa...* 18f; 31 (re the pattern of second-generation migrants choosing to not use epithets recalling their non-Egyptian origins); and 260 (re such deliberative choice by contenders to prominent guild leadership positions hoping to earn the sympathy of—and consolidate their authority over—merchants).

to improve their position. **Thus, for example, the ways in which Nur ad-Din’s descendents could manipulate their name when they appeared in court allowed them to graft their family (and lot) onto that of Masih’s waqf complex (and waqfiyya).** In other words, once again, what seems to our modern eyes chaotic did follow specific logic—but it was a logic of *practice*, not ideals of efficient bureaucracy based on systematic rationality and predictable—i.e. easily subject to regulation by bureaucracy...

This flexible latitude allowed collectives (communities) the same alternative to chose and change names, albeit over longer periods and within specific domains. Thus the change in the name of Masih’s Waqf complex: first it begins to be interchangeably referred to as Waqf Nur ad-Din al-Qarafi—which is understandable given he and his progeny were the main benefactors. But much latter when the size of the complex (and presumably, its permanence and stability) the Masih Complex, aka *al-Masihyya*, comes to give its name to the adjoining street, a main thoroughfare.

*Not only do names change however, meaning do as well: in the 20th century, when Christians came to be increasingly known (and self-identified as) Masihyya rather than the older term Nasara. This gradual change ends up producing an onomastic paradox—especially to those who didn’t know the full story of the original name’s derivation (that the Muslim Ottoman governor was named Masih; that the name follows a common pattern of designating places/institutions after their eponymous endowers, etc.). Eventually this seems to have resulted in the gradual renaming of the place—not the early-modern alternative (after an-Nur), but by creative misspelling: dropping one of the dots under the first **ya**’—thence rendering it a **ba**’—and with that, transforming the name to **al-Musabahiyya**, a designation still current until today, so widespread that few people know that it had been known as *al-Masihyya*, fewer still that the eponymous founder’s name was Masih.*

b. Gender

By now various studies have documented the prominent role women played in the ownership/administration of Ottoman *awqaf*—as well as receiving incomes from them. Ottoman court records A namesake of our Ansari family—one granddaughter of one Muhammad al-Ansari—was confirmed as a recipient of two endowment salaries (from the waqfs of Qansuwah and Shadi Bak in Cairo) in 1078 A.H.⁴⁰

Women were also occasionally **instrumental kinship links between (across) generations and families**. Thus husbands of a prominent merchant/scholar’s daughter often earned his (i.e. the father-in-law’s) trust and patronage. In other cases, a widow’s second husband often succeeded the deceased in both wealth and authority, for example in mid-11th/17th century when the Head of the Merchants’ Guikd (Shah Bandar at-Tujjar) died, his widow married another merchant—of Maghribi origin—who soon succeeded the deceased as Shah Bandar owing to her influence.⁴¹

As daughters—and even granddaughters—women were explicitly included by parents/ancestors as **heirs to endowed properties (i.e. beneficiaries of waqf incomes)**.

In addition to incomes from these endowments, these women were also **assigned prominent and active administrative roles**. Such was the lot of one ‘Alima bt. Muhammad, who was appointed by

⁴⁰ Sijil Bab al-‘Ali 1078 A.H. [Doc. Code: 1001-000305-0850]; Taqdir dated 12/7/1078 A.H.

⁴¹ ‘Abd al-Mu’ti, *al-‘A’ila wa’tb-tharwa*... 259.

the Bab ‘Ali court in 1154 A.H. as the sole chief administrator of the waqf of her grandfather, one ‘Ali al-Ansari (only a namesake—but not a relation—of our protagonist al-Qarafi—or any of his three descendents named after him!).⁴² This case is interesting on more than one level, but perhaps most striking is her sole occupation of this position (a similar case appears in the later history of the 16th-century judge, Badr ad-Din al-Qarafi’s endowment, which is eventually administered solely by a female descendent within two generations from its establishment). Unless we assume the complete end of the family line, we must recall that the sole assumption of administration by a woman descendent (in the presence of, for example, brothers, uncles, and/or male cousins)—which was not an unusual occurrence—was an expression of the will of the *waqif* as expressed in the script of his/her *waqfiyya*. Once again, such cases demonstrate that however structurally patriarchal Islamic (inheritance) law was, such a conclusions are necessarily incomplete if not misleading. A *practical* history of Islamic (inheritance) law (and property devolution)—one derived from the actual use and contextual deployment of law in *legal practice*—reveals a different picture in which women could—and often did—assume practical +++

Similarly for any understanding of the dynamics of kinship: court records related to waqf administration and devolution contain numerous incidents wherein **administrative jobs are passed down through uterine kin**. For example, in 1070 A.H., a namesake of our case study family—one Abu’s-Surur Muhammad al-Ansari—sued two brothers who, he claimed, had illegitimately seized and occupied a piece of land in northern Cairo (north of the Bab al-Futuh); the land, he argued, was under his legal control since it was part of an endowment he managed, that of his *maternal* grandmother, Fatima.⁴³ While Muhammad was a man, his patrimony (the job of administration and the income derived thence) had devolved through his *matrilineal* relatives.

And as with the case of most members of our Qarafiyya family study—and others of their social class—waqf is the only reason we come to learn anything at all of the lives of these literate but non-elite historical subjects. As with Nur ad-Din al-Qarafi himself, such minor ‘ulamā’ and Sufis hardly ever made it into narrative sources of the period (e.g. chronicles and/or biographical dictionaries—except if their lot involved some truly exceptional, exemplary, or *unusual* case of confiscation or conflict). The same with these women who are likewise—indeed, probably more so, given the inherent gender bias of narrative sources—systematically and routinely eclipsed from narrative historiography. Thus, the job of *naẓar/tabadduth* literally endows these women with visibility and voice and restores them to the historical record.

Women received these various incomes through active legal presentation at court. In many cases, this was done through a **male agent**: for example, in 984 A.H., during Masih Pasha’s tenure as governor, a namesake of our main protagonist—one Mahmud ibn Nur ad-Din ‘Ali al-Ansari—appeared in the Qisma ‘Askariyya court on behalf of a Mamluk-house lady, Jan Habib daughter of amir Janem, and received her assigned income from the waqf of as-Sayfi Baghl Bay. Lady Jan Habib, in turn, drew up an *ishhad* [testament] confirming this receipt from him.⁴⁴

⁴² Sijil Bab al-‘Ali 1115 A.H. [Doc. Code: 1001-000401-0548], dated 22/4/1115 A.H.

⁴³ Sijil Bab al-‘Ali 1070 A.H. [Doc. Code: 1001-000265-1182], dated 19/11/1070 A.H.

⁴⁴ Sijil Qisma ‘Askariyya 984 A.H. [Doc. Code: 1003-000009-0423], dated 23/6/984 A.H.. Note the database transcription of her father’s name is as-Sayfi [with a *ṣad*]—but I have preferred the reading as-Sayfi [with a *sin*], which is more likely given the Mamluk background of the household.

Thus while we know that women were their own legal personae, in practice many women deferred to close male (patriarchal) figures to represent them—or their relatives—in legal matters. The prevalence of this practice also accounts not only for some marriages on the record, but also some legal subterfuges designed to make possible such legal representation. For example, in an interesting case narrated by al-Ghazzi,

Women's presentation at court was not only limited to collection of rightfully owed incomes; not surprisingly, endowment incomes were **contested** and here too, women—like men—used various legal channels to claim perceived rights. A few months before Masih Pasha established our waqf, the Qisma 'Askariyya court witnessed a **legal suit** brought by one Sutayta bt. 'Ali b. 'Abdullah against the administrator of a waqf—one Ibrahim b. Muhammad al-Ansari (no relation to our family)—who, she claimed, had withheld her legal stipend from the endowment.⁴⁵ We do not know the outcome of the case, but it is evident from this and numerous other traces of waqf-related litigation that courts were a common (and thus, likely effective) means of negotiating financial rights related to awqaf. Such litigation also practically demonstrates the limits of a *nazir/mutahaddith*'s administrative prerogatives—and their constant

In addition to recovering female agency and restoring women to social history (job of *nazir/tahadduth* literally makes these women visible in the record and allows us an entry-point to analyze their *voices*), the examination of Nur ad-Din's descendents reveals **only TWO female actors**—i.e. our family tree, derived exclusively from *legal* documents pertaining to the waqf points towards their minimal role. *As we have spelled in the Summary, this report investigates why this was the case...*

Perhaps most interesting is the case of Nazrene & Khadija [D5-6]... they're great-granddaughters of Nur ad-Din *and* they appear among the paper trail of the waqf on account of deriving a handsome *ratib*—albeit from the waqf of their *maternal* grandfather, Jarbash al-'Umari. The case demonstrates that in practice, at least, devolution of property and office **did NOT proceed along strictly (or even, primarily) agnatic lines**.

We already have an example of this in the waqfiyya where Masih—probably on the instigation of Nur ad-Din— We have the first hint of this in Masih's *waqfiyya*: he assigns one job to a grandson of Nur ad-Din—but clearly from his *daughter*—*ash-Shams Mub. ibn 'Abd ar-Rahman al-Quni*.⁴⁶

But following this line—i.e. Nazrene and Khadija's descent from both Jarbash al-'Umari and Nur ad-Din al-Qarafi, we begin to see that this was not the first incident wherein the two families came together. Once again, indeed, the family trees provide a **tantalizing trace of the work of family AND waqf—in tandem and supportive of one another**. Nazrene and Khadija, it turns out, → ...

Once again we are left with a telling case in which it was not simply families that used waqf as a legal tool, but the connections of endowment coalescing around family practices, including marriage and inheritance.

But the position of women in Nur ad-Din's family is perhaps best borne out through a comparison of their waqf/family nexus with that of another, their **neighboring namesakes, the family of Badr ad-Din al-Qarafi**.

Women of Badr ad-Din al-Qarafi's Family

The most obvious and striking difference here is the al-Badr's family tree featured far more *active* women than that of Nur ad-Din. Once again, these family trees in no way represent the entire

Nice anecdote of Judge **Nur ad-Din Mahmud al-Jaliqi** (late 16th—a namesake of our neighbouring monument) and the *amir's* attempt to embezzle by marrying old (ugly?) orphaned spinster bkr and retroactively assigning himself *wasi* on her underage siblings → Ghazzi says Jaliqi declined for one of two reasons (...): *fama/reputation* and/or piety (*diyana*)—but Ghazzi dissolves nicely despite actors attempt to dissimulate (*azhar lana...*) → anyway, guy dies ugly death, practically from the gossip and enmity of the judge who *does* ratify the snake move! For the case, see Ghazzi, *kawakib sa'ira* 3/182.

⁴⁵ Sijil Qisma 'Askariyya 987 A.H. [Doc. Code: 1003-000010-0213], dated 4/7/987 A.H.

⁴⁶ Waqfiyya 2836, p. 150 [CHECK].

family, or even all those members we have evidence of. Instead, only members who appear in a waqf-related legal paper trail are represented. With this in mind, the comparative dearth of women in Nur ad-Din's descendents' tree must, I think, be attributed to the family's preferences. After all, assuming that over 5-6 generations (the coverage provided by the two family trees), both families had comparable rates of gendered birth and that both had before them similar kinds of patrimony; the same legal options and strategies; and a shared long-term (if tacit) goal of continuity and social reproduction—assuming all this, then

The Nuri Qarafis case stands out. In other waqf cases, women are assigned **equal shares** to the estate—here: same shares of inherited *waqf* jobs—as their brothers: again, an alternative to the *fara'id* rules assigning them ½ the share of males (of same degree of relation, *qaraba*)... Now we see the seeds of this in the very inclusive language of the waqfiyya when Masih assigned jobs/income to a Qarafi “and after him anyone from his *nasl, dburriyya, 'aqib, awlad*”—which, *I think...*, is deliberately open (= gender-inclusive, and/or kin-inclusive, extending to uterine relatives not just agnates).

There was however a specific BIAS to the clauses in the waqfiyya and that was the preference for patrilineal (over matrilineal) descent. →

Our interest in the meaning or intention—but perhaps more importantly, of the consequences—of these clauses relates to other contemporaneous developments in Ottoman society. It was during this period that numerous treatises composed on whether older *waqfs* specifying “awlad” mean daughters as well as sons (ans=✓)... Other texts on whether this same logic of transmission/devolution equally applies to *honor*: Ramli (17th-c. contemporary) writes *Al-Fawz wa'l-Ghamm fi mas'alat asb-sbaraf bi'l-umm...* another = *Isma' as-Summ fi ithbat asb-sbaraf min qibal al-Umm* (15 c.).

c. Family ⇔ Waqf/Property

- i. A possible connection between Masih and shaykh Nur ad-Din (shared earlier waqf revenues)
- ii. The union with Jarbash al-'Umari family: waqf *then* marriage
- iii. Non-biological kin
 1. Our case is esp. relevant (Masih was a eunuch)—but it needn't be *that* dramatic or determined. In other cases (related families I followed) the family extends to included (manumitted) slaves '*utaqa*', who continue to play important roles in the lives of (former) masters—and after their deaths, in the worlds of their households & estates...
 2. Same for **clients (*tabi'un*)**: Our case study includes one *tabi'*, a former slave as the name indicates who identifies himself strictly in terms of relation to a Qarafi notable; that link is acknowledged by the master/patron, who had established him in the position of *nazar/ tabadduth* just as he—and others in other families—did for blood relatives;
 3. Now these exist in cases when endowers have children (unlike Masih who *couldn't*)... Thus a corollary of this insight is that matters of property devolution—of *family* in gen.—not only evidence the agency

of historical actors, but their exercise of **critical questions of choice**⁴⁷: which family members to include? which to exclude?—from property and patrimony... in other words—rather, in practical terms—questions of which members *are family at all*...

a. Hathaway Umar/Tabi‘ and Ma‘tuq

4. A tabi‘ or client, was practically—in both senses of the word, i.e. in terms of expediency, and as related to practice—part of the family, much like biological kin. During the period we trace our Qarafiyya family (later 10th/16th through early 12th/18th centuries), one prominent client of shaykh Nur ad-Din al-Qarafi (the grandson) appears in the records of the Waqf. In **, +++

d. Occupational Seeds and Patterns; Attendant Communal Development

One way to understand *waqf* constructions is as specific types of investments: the amount set aside for/invested in *waqf* constitutes a voluntary (self-imposed) tax on the family (a \$ amount they designate into a specific economic field—here an investment in the social/symbolic future of progeny (= converting \$ into social capital invested in descendants)... A cursory look at the types of **services** included by Masih Pasha—and thence, the supplementary or pilot *awqaf* add-ons it spawned—reveals a strong **bias/preference in favor of specific religious and educational occupations...** Hence, we can call the voluntary tax a **cultural tax** on the family's resources... which may explain:

Judging from legal records, the Qarafiyya exhibited a high specialization in religious/educational career paths [judges/notaries; Sufis; teachers/professors/students]—which makes sense as consequence of *waqf* investments they lived around/off;

Again, traces of this already in the waqfiyya: in more than 5 places, Masih says jobs (eg *imamah*) go to X and **whoever of his children become *imams/nuzzar*...** → CLEAR incentive for career choice, esp. given how **LOCAL** their notions of honor were—local = not only limited (parochial), but also **spatially circumscribed** given Qarafa's spiritual/topographical specificity...

Attendant Demographics & Development of Qarafa as Urban Space:

Another consequence of this specific investment pattern is that the area around Masih/Nur ad-Din develops with a particular demographic—and thence, consequently, further investment—profile (a stable or even self-perpetuating cycle for my period, from 16th-early 18th c.) in this phase of the Qarafa settlement and the Qarafiyya's fortunes (material & symbolic) as specifically tied to that:

1. *The poor come for services (e.g. orphan education, water, poor sick women [niswa marda])—services presided/offered by family members, who thus gain not only income but esteem of the poor: the return on the social capital invested by (fore)fathers.*

⁴⁷ This is not to argue that choice is *ever* free, actually—here I use choice (and ~ agency) as shorthand for the interface of agency and structure and/or tradition that mediates any social action, including the very idea of subjectivity and agency.

The residents of al-Qarafa are treated as a collective in Masih Pasha's waqfiyya. In the description of the office-holders of prominent positions in the waqf, the waqfiyya assigns prized offices to Nur ad-Din al-Qarafi and then his immediate line after him (on the kinship logic of devolution, see above). Next in line—i.e. in the event of the al-Qarafi's descendents extinction, be it a biological extinction (i.e. the end of the family line) or a moral one (i.e. in the event that none of the descendents are trustworthy or morally upright enough to assume the posts), the offices should next go to residents of the tekiyye (i.e. one of the 100 Sufis in residents at the ribat); finally, if none of these are considered suitable, the office-holder should be selected from one of the residents of al-Qarafa as-Sughra.

One way to understand this stipulation is that it reflects the waqif's—or the drafter of the waqfiyya, at any rate—recognition of a pre-existing social reality, viz., that the residents of al-Qarafa as-Sughra constituted a community of identifiable limits and constituency—i.e. of a particular character and identity that its residents could be given preference or identified as separate social group.

Different historical sources record other instances of the residents of al-Qarafa acting as collectivity: at the turn of the 10th/16th century (during al-Ghuri's reign), a Sufi shaykh known as al-Bija'I arrived in Cairo from al-Maghrib and settled near Jami' Mahmud in al-Qarafa. Sha'rani reports unequivocally “the residents of al-Qarafa⁴⁸ opposed him [*naẓa'abu abl al-qarafa*] until he returned to the dome of the maristan in Khatt Bayn al-Qasrayn.”⁴⁹

But perhaps we should also remain open to the possibility that it was precisely though stipulations and directives like that of Masih's Waqfiyya that the unique and distinct character of the neighborhood was *produced*—i.e. that legal acts are not only *reflective* of social reality but *constitutive* of it.

ii. Waqf and Charity → Moral Authority/Local Community

1. Waqf administration and communal leadership/arbitration (orphans and widows: dependence in context)
2. Unlike other Ottoman waqfs, which provided for students or Sufis who were explicitly identified by ethnicity as “Turks”⁵⁰, Masih's endowment was inclusively unspecific. Perhaps the location—in the Qarafa as-Sughra, which by then had already assumed features of the neighboring urban fabric—mitigated against such exclusivity.
3. Instead, Masih's waqf seems to have strengthened the bonds between Nur ad-Din's descendents and their neighbors, i.e. the Qarafa residents. By confirming them in the position of handing out many charitable and social services, Masih—or rather, his endowment—worked to shore up their social capital and reputations, and inevitably their leadership of a community that was clearly experiencing a withdrawal

⁴⁸ Which Qarafa—al-Kubra or as-Sughra—is not mentioned.

⁴⁹ *Tabaqat ash-Sha'rani* 2: 596-7 (#37).

⁵⁰ e.g. Takiyyat Ibrahim al-Kulshani; see Behrens-Abouseif “Takiyyat...” 53-4. Note, however, that al-Kulshani—himself the founder of the takiyya—was born in Diyarbakr in eastern Anarolia and lived in Aq Qoyunlu-governed Tabriz before moving to Egypt later in his life. While Masih Pasha was certainly an Ottoman official briefly in Egypt for his tenure as governor, shaykh Nur ad-Din al-Qarafi, as far as we can tell, did not have any history or background outside Egypt (or even Cairo). It must be noted, however, that this conjecture is based on the absence of information (rather than any direct knowledge of his Egyptian background).

in both state (public) and private endowments, at least in comparison with earlier periods.

4. This pattern may be seen inversely from the case of other awqaf, wherein the judge [e.g. *qadi askar*] traditional prerogative in appointing individuals to stipendiary incomes *as well as* disbursing charitable services and food/money to the poor earned them authority and social capital. In numerous cases, judges assigned these jobs to their own family members and followers thereby securing both pious reputations and crucial authority in their neighborhoods and communities.⁵¹ In our case, not only was the Qarafi nazir privy to such indirect benefits of managing a large complex, s/he also oversaw the disbursement of sums to the local poor (e.g. the stipulation to provide funds for sick women), which undoubtedly provided for their esteem in and around the Qarafa.

e. Waqf and Political Authority: A Clause and the Tail of a Record...

i. Waqf and Qarafi Family Stability

ii. **The Waqfiyya Elliptical (Ominous) Warnings**

The *waqfiyya* of Masih Pasha includes stern references warning subsequent administrators of the danger of political intervention in the management of the complex. In the first instance, the *waqif* warns the reader/administrator/officiating judge that the accounting of the endowment should *not* be carried out by any “judge [*qadi*], Finance Minister [*Daftardar*], or *amir umara'* or any such [authority]” but should, instead, be overseen only by the appointed *nazir/mutabaddith* (viz., shayh Nur ad-Din—here likely the grandson—and his progeny thereafter).⁵² It is noteworthy that this systemic suspicion of political authorities extends to include judges [*qadi*], here implicitly equated with the military aristocracy by virtue of their occupational association.

The inclusion of judges was likely a reference to the privilege of the *qadi 'askar* in particular, which normally extended to administering endowments and appointing individuals to serve in the stipendiary positions provided for by the *waqf*. The *qadi* was, *ex officio*, responsible for the administration of awqaf (including respecting the conditions or stipulations, listed by the *waqif* in the original *waqfiyya*). The judge would routinely appoint a secondary official, known as *an-nazir al-hasbi*, usually chosen from among the military establishment (as sources suggest). This official had important duties: indeed, the regular *nazir* could not act on any financial or administrative matter without the oversight of this *nazir hasbi* and his explicit permission⁵³

⁵¹ For examples, see 'Isa, *Tarikh al-Qada'*... 280 (cases cited in n. 143, p. 296).

⁵² Waqf Masih Pasha, p. 207. The only check (or oversight) the *waqif* stipulates here is moral: addressing Nur ad-Din (the grandson?), he stipulates that only this Administrator is to audit the accounts of the endowment “recalling his stance before God [on the Day of Judgement].”

⁵³ 'Isa, *Tarikh al-Qada'*... 276-7.

As for the suspicion...

Indeed, as one case documented in the *Taqarir an-Nazar* demonstrates, the judge could entirely dispense with (indeed dismiss) the nazir in the event that the latter violated any of the terms of the endowment or transgressed the rights of its beneficiaries.⁵⁴ In other cases, the *qadi 'askar* dismissed *nuzzar* when the latter were sued by incumbents of the stipendiary positions for infractions that hurt their rightly deserved incomes.⁵⁵ Furthermore, the *qadi* usually had the right to cancel certain appointments (entire jobs and incomes), if he deemed the waqf's income incapable of supporting such expenditure.⁵⁶ In one telling example, the overseer was dismissed on account of his “power and insolence”—a likely euphemism for the growing intransigence of some Mamluk-household (especially umara') *nuzzar*.⁵⁷

When it came to salaries specified in the original waqfiyya, Masih's document regularly provided an interesting clause after listing any income: “or whatever ** that amount.” The clause built in a prudent flexibility into the assigned incomes—especially given inflationary and currency changes over the next few centuries. It also allowed the nazir—Nur ad-Din and descendants, that is—to adjust incomes without referring to the *qadi 'askar*, whose permission was otherwise normally required to adjust or raise salaries.⁵⁸

Given this background, Masih's clause—and its various protagonists, including judges—are more easily understood.

That this systemic suspicion should be authored by Masih Pasha—the very apex of the Ottoman administrative pyramid—is telling of the pervasive mistrust of the legal and judicial administration and a succinct testimony to the ways in which fiscal problems had driven the Ottoman administration—i.e. the entire official structure rather than individuals with character flaws, as authors then and now prefer—to reclaim some of revenue streams that had been alienated into waqf.

The warning is ominous, but it also turns out to be prescient, as we shall see below, for it was precisely such administrative prerogatives of *political authorities/figures* that appear to

First, judges were appointed by Ottoman political authorities—and thus likely, bound to them by ties of favour and clientship). Furthermore, incumbents often secured the nomination through the widespread (and well-established) tradition of venality, i.e. buying office.

Similarly, the inclusion of the daftardar

⁵⁴ Shahr 'Aqari, *Taqarir an-Nazar Sijil 9 / Q 85 / page 10*.

⁵⁵ Thus, the *qadi 'askar* dismissed Zahida, the *nazira* [Overseer] of Waqf Tamar ibn 'Abdullah al-Yusufi because she “did not perform a *muhasaba* [audit] for the waqf” for a long period of time, and also “on account of the suit brought forth by deservers [of incomes]” who had suffered as a result of this. *Shahr al-'Aqari, Sijil Bab 'Ali Sijil 63 / Q 851 / page 182*—as quoted in 'Isa, *Tarikh al-Qada'*... 277. Other examples of infractions leading to dismissal of *nuzzar* include various financial offences (from outright embezzlement and use/assignment of assets to personal gain, to creative accounting) and managerial errors (e.g. deforestation of a waqf that included an orchard; failing to maintain the architectural upkeep of the institution); cited in 'Isa, *Tarikh al-Qada'*... 277-8.

⁵⁶ *Shahr al-'Aqari, Sijil Bab 'Ali Sijil 157 repeat / Q 893 / page 253*—cited 'Isa, *Tarikh al-Qada'*... 278.

⁵⁷ *Shahr al-'Aqari, Sijil Bab 'Ali Sijil 63 / Q 67 / page 12*—cited in 'Isa, *Tarikh al-Qada'*... 277.

⁵⁸ For the *qadi 'askar's* prerogative to change waqf incomes, see 'Isa, *Tarikh al-Qada'*... 278-9. Indeed the requirement was perhaps initially granted to allow judges to raise salaries if it was feared that the original sums had become so low that they threatened the very sustainability and functioning of the endowment. Hanafi jurists, in particular, even allowed the judge to violate specific stipulations of the original waqif—if they deemed this necessary to ensure (the greater good consisting of) the endowment's survival (ibid.).

have caused the decline of the endowment (and thence, the disappearance of our Qarafiyya family).

Behrens-Abouseif notes that the stipulation/warning is “the only known instance of such a stipulation.”⁵⁹ While this may be true among the waqfiyyas of Ottoman governors, the sentiment was hardly unprecedented. The history of political interventions and impressments of *awqaf* is beyond the scope of this report, but suffice it to note here that the primacy and prevalence of *awqaf* as a means of endowing and securing property/income was well attested since the Mamluk period; conversely, political authorities (including, but not limited to, Mamluk sultans and *umara'*) had developed ingenious tactics—including subterfuges—to dissolve these endowments and seize their revenue streams. With the emergence of these counter-*waqf* practices, endowers began to warn of such depredations. One of the earliest expressions of such a sentiment in the foundation document appears on the waqf of al-Madrassa al-Mirjaniyya in Baghdad (758 A.H.): here portions of the deed were emphatically proclaimed as inscriptions on the very walls of the institution, warning against (prohibiting) rental of the *manwuf* property to particular social groups, e.g. soldiers, whose political authority/influence was clearly deemed a danger to the integrity and inviolability of the *waqf*.⁶⁰

To further understand the valence of Masih's stipulations—and the significance of such a large revenue stream for this complex—a few words on the economic climate of Egypt at the time the endowment was founded. Masih founded his endowment in 1584*, i.e. roughly 70 years after the Ottoman conquest of Egypt, when Egypt was still an important source of revenue for the Empire.⁶¹ (It is noteworthy that our first indications of this prominent position being undermined—when the governorate of Egypt ceases to be lucrative—is in the end of the 11th/17th century, with the rise in power of Mamluk households.⁶²)

Thus Masih's stipulation excluded all these public officials who were, *ex officio*, routinely assigned management and oversight of *awqaf* (even above the *nuzzar* assigned by the original waqfiyya). In their stead, Masih explicitly left management (financial and administrative) in the hands of Nur ad-Din and his descendents.

This choice was not merely the inverse of the unique stipulation removing public officials. Instead, our investigation suggests the longevity and durability of both the waqf complex and the family were related. By designing their well-beings as mutually dependent, Masih ensured that the Qarafiyya's efforts to maintain and reproduce their familial capital would equally secure the well-being of the complex (and protect it from the kind of depredations that other overseers might—and did—often resort to for personal gain). Conversely, by assigning practically all important (read: well-remunerated) jobs to Qarafiyya, he ensured that these descendents—all, after all, family—worked to efficiently stream-line and preserve the endowment over time. Thus, we do not see the pattern of infinite fractional

⁵⁹ *Egypt's Adjustment to Ottoman Rule...* 204.

⁶⁰ *Repertoire...* vol. 16, p. ** (Inscription #6283): al-Madrassa al-Mirjaniyya in Baghdad (founded 758 A.H.) includes interesting stipulations against renting the property to certain groups (e.g. soldiers).

⁶¹ Inalcik estimates that Egypt and Syria provided about 1/3 of the empire's total income (*Classical Age* 128). Thus, 10th/16th-century Pashas of Egypt were usually men who had held important offices at court before their appointment to the governorship of Egypt; after their tenure, many would move on to occupy even higher positions, including Grand Vizier (including Masih Pasha). Behrens-Abouseif, *Egypt's Adjustment...* 50-1.

⁶² Shaw, *Organization* 336. See below on the power of the Mamluk households and the fate of our Qarafiyya family.

divisions of minor jobs—a function of inheritance over long periods of time, whereby a single job/income would over decades be split into infinitesimal fractions, which inevitably meant that the heirs received insignificant amounts *and* no one came to perform the job in question. Since the Qarafiyya knew full well how closely and intimately their fortunes were tied to that of Masih’s complex, they had the best of all incentives to ensure the endowment’s survival and stability: self-interest.

iii. The last trail of the Qarafis in court records

In his examination of numerous *taqarir al-nazar* of endowments, Daniel Crecilius noted that waqf property was hardly as immune from confiscation or seizure as many have assumed. (Conversely, the property was seldom alienated or removed from the circulation within the economy as critics of waqf have claimed.) In general, he writes,

it appears that extensive property endowed in waqf fell into the hands of the ruling elite within the lapse of a century. In reviewing the various collections of *taqarir al-nazar* in the Ministry of waqfs and the shari'a court archives, one is struck by the seeming regularity of the process by which property once endowed could change hands or find its revenues diverted through one legal device or another. [For example,] virtually all the waqfs of the Qazdughli amirs of the 18th century were brought under the control of the government by the time of Muhammad 'Ali Pasha. Isma'il Pasha completed this process.⁶³

Indeed the disappearance of records related to the Qarafiyya and/or Waqf Nur ad-Din (alternatively, Waqf Masih Pasha⁶⁴) around the end of the 11th/17th century fits this pattern remarkably well.

But if the disappearance of references to the endowment fit a pattern in the life cycle of waqf property—and government crises, thence intervention to seize/confiscate said property—there remains one two interesting last pieces of the Masih Pasha/Qarafiyya prosopographic and waqf puzzle.

Ali Pasha Mubarak (1823-1893 CE) describes the waqf as functioning with an annual budget of 1,200 qirsh; the *Ruzname* describes how the amount was handed over to the *naẓir* (Endowment Supervisor/Manager), named Nur ad-Din. While it appears at first blush that Ali Mubarak may have simply copied down the alternate name of the endowment (for by this point, it had been interchangeably referred to as “Waqf Masih Pasha” and “Waqf (ash-shaykh) Nur ad-Din” for centuries), this is clearly not the case. Instead, Mubarak is most likely referring to a very late descendant of our original Qarafiyya, one Nur ad-Din ‘Ali ibn *Ibrahim* ibn Nur ad-Din Yusuf—who lived in the late 19th century (according to my reconstruction in the attached [Figure 7*](#)) he was likely born around the mid-19th century (A.D.) making him a likely candidate for supervision of the Endowment a couple of decades later.

⁶³ “The Waqf of Muhammad Bey Abu al-Dhahab in Historical Perspective” *IJMES* 23 i (1991), 57-81; quoted here: p. 77.

⁶⁴ The mahakim records contain several records related to a Waqf of Mustafa ibn Masih—but this is unrelated to our Masih Pasha, who was a eunuch.

In a hand-written report dated 1928, we encounter somehow reappear in later 19th/early 20th century (1928 report)

The stability of the name—al-Qarafi—is remarkable in the 1928 report especially given the near silence of the sources for the previous two centuries. It is likely that this occurred only because the family's fortunes were so closely tied to that of the waqf—and the waqfiyya identified their lot through ancestral designation (i.e. jobs went to the descendants of Nur ad-Din...).

In early modern Britain (18th-19th centuries) there are several examples of endowments—the English equivalent to a Muslim waqf—that specify individual beneficiaries but stipulate that these individuals needed to change their names to that of the founder before they could receive their apportioned shares (of income). The principle was clearly intended to secure the continuity and stability of the endower's surname, especially if he knew or feared its extinction through natural reproduction. The clause was intended to defy this disappearance by *converting* other individuals into members of the family.⁶⁵

Even the phrase sounds odd, because while we are used to religious or linguistic conversion, the idea of a surname conversion meshes with our ideas of the stability of family or the meaning of names. +++⁶⁶

iv. Long-Term Systemic problems of Waqf Fiscal Revenue and Administration

1. Job inheritance and fractional splits

⁶⁵ “In the 18th and 19th centuries in Britain, bequests were sometimes made contingent upon a man changing (or hyphenating) his name, so that the name of the testator continued” For examples see:

Eileen Spring “The Settlement of Land in Nineteenth-Century England” *American Journal of Legal History* 8 iii (Jul., 1964), pp. 209-223 (example p. 217); idem. *Law, Land, and Family: Aristocratic Inheritance in England, 1300 to 1800* (**, **), p. 95.

The peak of this development came with the invention of the name and arms clause. According to this legal condition, the beneficiary of a will or settlement was required—by the testator—to change his name to that of the testator or settlor (and adopt their coat of arms) as a condition of receiving his (share of) the estate. See Lawrence Stone and Jeanne C. Fawtier Stone, *An Open Elite? England, 1540-1880* (Oxford, 1984), 119.

According to Stone's estimates, up to 10% of heirs carried out some form of name change—in order to

It has been noted that such practices became prevalent only after the Tudor period (the idea being that the Tudors were new men themselves and were thence attached to the idea of establishing their ancestry). See Stone, ***.

⁶⁶ “Stone discussed the extinction of titles in *The Crisis of Aristocracy*, concluding that about one half of titles normally became extinct in a century. Peter Laslett has since calculated from the baronetcies created by James I that nearly one-eighth of patriline died out at each succession in the following 150 years.”

Eileen Spring and David Spring, “The English Landed Elite, 1540-1879: A Review” *Albion: A Quarterly Journal Concerned with British Studies*, Vol. 17, No. 2 (Summer, 1985), pp. 149-166 [here citing p. 159]. “**Settlements could require a man to take the name and to use the coat of arms of his wife's (or his mother's) family as a condition of inheriting her family's estate; or they could require him, if not wholly to change his name, then to add his wife's (or his mother's) name to his own.**” Spring and Spring note that Stone finds that while this condition reaches its highest proportion among estates in the 18th-19th centuries when up to 8% of all estates bore such ‘name and arm clauses’ [ibid. 160].

2. Dependence on agricultural production

Like many other endowments, it is important to remember that these illustrious *urban* institutions were often (but not always) financed from (the income of) agricultural lands.

It was this land that was most susceptible to eventual government reclaiming, since it constituted one of the principal sources of revenue for the Ottoman state; and (2) comprised one of the largest revenue streams of the region as a whole. (Conversely stated: *awqaf* financed from urban institutions/revenue streams, e.g. the rental of apartments in multi-story urban buildings, were often more resilient...)

v. Intervention from political authorities: decentralization in 12th/18th c.

The 12th/18th century, when this begins to happen is a period when scholars have almost consistently noted the breakdown of central authority in Ottoman Empire—be it the sultan’s authority or that of his immediate delegates, the governors (e.g. the Ottoman Pasha of Egypt). Accompanying this decentralization was a concomitant rise in the power and influence of the Mamluk *umara*’ (and by extension, members of prominent military households like Mustahfazan) of Ottoman Egypt. Part of the basic structure of Ottoman legal culture was that members of the military—i.e. individuals with claim to belonging to the *askar* or military class—were subject to different (parallel) legal authorities and courts. By the early 12th/18th century, such privileges were growing to such an extent that more and more civilians were *claiming* that they belonged to this military caste, e.g. members of the subject population who claimed belonging to the *inkishariyya*, thence to that class’ immunity from prosecution by civil authorities (e.g. *qadi* courts).⁶⁷

This development included at least two relevant dimensions to our investigation:

- First, the increasing—and increasingly unchecked—power of members of Mamluk households meant that there was little check on their power and members increasingly meddled in areas of social and economic life that had enjoyed the relative protection of both the Ottoman central governor and the legal system. Now with the disproportionate and unchecked power of the Mamluks, some of the *umara*’ even began to set up their own local (read: private) *majalis* where they adjudicated different cases presented before them.⁶⁸ Indeed, during the same period, Mamluk *umara*’ and other military *grandees* came to dismiss *muftis* who supplied opinions deemed inconvenient to these military authorities.⁶⁹
- In this environment, members of the elite military households began to increasingly interfere in one of the major arenas of economic life: the economy of endowments.

⁶⁷ See ‘Isa, *Tarikh al-Qada*’... 144. It is noteworthy that after Masih Pasha’s reign, Egypt witnessed a protracted rebellion—beginning the last decade of the 10th/16th century and lasting for almost two decades—on the part of military elements, until the latter were crushed in 1609 A.D. The victor, a new Ottoman Pasha, Muhammad Pasha Qul-Qaran, discovered that among the ranks of the insurgent groups were many non-military groups who had infiltrated the retinues seeking personal advancement amidst the chaos (‘Isa, *Tarikh al-Qada*’... 212-4).

⁶⁸ For this general trend as well as examples of the superficial trials and verdicts issued by these Mamluk (household) authorities, see ‘Isa, *Tarikh al-Qada*’... 140-1

⁶⁹ See numerous examples cited in ‘Isa, *Tarikh al-Qada*’... 336.

It is thus not an accident—indeed it is a highly suggestive detail—that one of the last continuous traces we have of our Qarafiyya family, appearing in court records a legal suit brought by *** (who claimed his prerogative as administrator of Masih Pasha’s waqf) against an *amir* ***—for precisely such (an alleged) encroachment, viz., that the latter had illegitimately disposed ****...

Various groups increasingly aspired to (i.e. claimed membership in) the grand military (Mamluk) households—including those were not technically part of the military establishment. Put differently, ex-members of military households now ceased to play a role in the military and increasingly infiltrated civilian society (e.g. trade and crafts groups)—but while still maintaining their official military status.⁷⁰ The claim of this status was crucial for among its benefits was that a claimant was under the jurisdiction of a different (altogether parallel) legal system and judiciary. Thus, a person claiming membership in the Mustahfazan military household would not appear under the normal civil *qadi* in the case of a legal suit, but could insist on his right to be judged only by the *qadi askar*.

In the 11th/18th-century decentralization, mamluk household power became unchecked and one of the most lasting effects of this unprecedented and unchecked power was their intervention in mercantile economy, e.g. through confiscations, forced sales, and impositions levied on merchants.⁷¹ Another manner by which Mamluk power came to extend over formerly independent and thriving mercantile families came precisely through **family relations**: in some cases the newly empowered umara’—but also other members of their households—came to marry daughters and widows of mercantile households. This way, entire patrimonies were slowly siphoned to mamluk households, which in many cases did not continue to undertake mercantile activities.⁷²

⁷⁰ see ‘Isa, *Tarikh al-Qada*’... 144f.

⁷¹ ‘Abd al-Mu‘ti, *al-‘A’ila wa’tb-tharwa*... 283.

⁷² See ‘Abd al-Mu‘ti, *al-‘A’ila wa’tb-tharwa*... 295f, although the author concludes from some cases that such a transfer of wealth was “the main cause behind the destruction of a mercantile middle-class in Egypt”—perhaps a tad hysterical.

f. An incident of conflict in Ramadan 1123 (1711 A.D.)

i. A Rumi preacher appeared that month, and sat at the Mosque of Mu'ayyad Shaykh—quite near Masih's complex—delivering his sermons. His admonitions were apparently quite popular: people flocked to the mosque to attend them, especially to listen to his exhortations against tomb (or shrine) and holyman visitation [*ziyarat al-maqamat wa'l-anliya*]. His unusual position on visitation became so widespread that it attracted the ire of Azhar scholars who clearly opposed his denunciations. His popularity, however, inspired a mob to attack a *qadi's* home, forcibly carry the judge all the way to the Ottoman governor—after they had extracted from the hapless *qadi* a writ [*hujja*] confirming *their* (and presumably the Rumi preacher's) views on the matter. The judge's *fama* and authority had both been compromised and he could not but threaten to leave Cairo in protest.⁷³ Various Mamluk umara' intervened, however, and instead banished the Rumi preacher outside Egypt as a way of restoring the judge's public honor.⁷⁴

1. The case bespeaks the consistently charged nature of the praxis of *ziyara*—it had continued to be contested for centuries now. But more specifically, it indicates how the practice had become so mainstream by the early modern period: critique of *ziyara* was now the prerogative of the charismatic—but ultimately individual, outsider, and merely popular—preacher's denunciation; while the establishment 'ulamā' of the Azhar were the ones defending its legitimacy. Third, the manner in which the mob executed its will is particularly telling: mainstream 'ulamā' opinion was located in the person of the *qadi*: humiliating him amounted to support of the preacher's position. Last but not least, while the mob arrest and kidnapping (carried out against the *qadi*) was unauthorized, the crowds had sought to cast unmistakable signs of official legitimacy on their act: first, in extracting a legal writ from said judge (the *hujja*, however under duress it had been obtained) and second, delivering him to the Ottoman governor—an alternative locus of authority who, at least by the crowd's reckoning, could be appealed to in order to reverse—or better, to trump—the 'ulamā' authority (as represented by the Azhar mainstream opinion).

⁷³ Although it is also likely that threat bore signs that it was a bluff: if the governor would/could not restore the *qadi's* honor, leaving the capital was probably all the judge could imagine since his continued presence in Cairo would have been unimaginable (or untenable) for him.

⁷⁴ Jabarti 64; also in 'Abd al-Ghani as in 'Isa, *Tarikh al-Qada'*... 250.

5. Main Conclusions (see Summary, pp. 1-5 where some of these have been moved)

Restoring the Dynamic and Practical Logic of Waqf as Family Strategy:

- i. To understand the significance of every *waqf* decision, we must consider its inverse: to what ends, for example, the act (choice) nullifies what *fara'id* rules would have established (e.g. disinheriting male relative—widower or father—by specifying daughters as sole *nuzzar*)... Thence the dynamism of *waqf*, which functions as a tool of family and property strategies → Families used *Islamic Law* (consumed justice), rather than being hapless prisoners of its structural inequalities and procedural arbitrariness...⁷⁵
- ii. Waqf functioned as a Tool for (material) Property Devolution—but also for **the (re)production of Kinship (Blood and Spiritual)** = Frist, as we saw, there was property devolution... But our case study, being located in the charged symbolic space of the Qarafa—and featuring the axial figures of Sufi shaykhs, who represent the Poles around which these strategic acts were performed—illustrates an oft-ignored aspect of waqf praxis:
- iii. *Waqf* was a legal tool that allowed a person like Masih to **translate and ratify his personal symbolic wishes/desires into the legal language** of debt, charity, and inheritance... It allowed him to legally fabricate (produce) a spiritual lineage (vis-à-vis his master and *mu'taqad* Nur ad-Din al-Q) while reciprocally providing for the latter's physical (blood) progeny in perpetuity... The legal formulae at end of *waqfiyyat*—the conditional maledictions against those who tamper with the endower's wishes—were not only pious formulae, but also legal tactics that sealed that translation of subjective wishes into, and aligned them with, precepts of divine law [such that an infraction constituted its very rejection]
- iv. The endowment worked to stabilize Nur ad-Din's family name
- v. The endowment survived arguably because of the manner in which Masih intertwined its fortunes with the well-being of Nur ad-Din's family

75 This is not to say that Islamic law was necessary egalitarian or favored/produced equality either; rather it is to eschew all essentialist characterizations of a legal system (Islamic law here being no different than others) and to propose, instead, a model of strategic consumption in order to make better sense of the interface of human agency and historical contingency (to restore to the practical logic/sense to historical actors' choices).